

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**VICKY HICKS**

**Individually and on behalf of S.H, a minor,**

**Plaintiff,**

**vs.**

**No.**

**1:12 -cv-00231-RB-WDS**

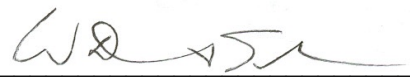
**WINGATE ELEMENTARY SCHOOL,  
CHRISTINE EDSITTY-BEACH, Middle  
School Director of Wingate Elementary School,  
SADIE MARTINEZ, Counselor at Wingate  
Elementary School, in their individual capacities,**

**Defendants**

**ORDER GRANTING DEFENDANTS' MOTION TO STAY**

This matter comes before the Court on Defendants' Motion to Stay Proceedings. (Doc. No. 45) Defendants seek a stay of proceedings because they intend to file a Motion to Dismiss on the basis of qualified immunity. Plaintiff objects on the basis that a motion to stay is premature if the motions to dismiss have not been filed. Defendants' Motion to Stay was filed on September 29, 2012. On October 22, 2012 Defendants filed their motions to dismiss. Accordingly, the Court will grant Defendants' Motion to Stay (Doc. No. 45), vacate all of its earlier scheduling orders, and order that this matter is stayed until Defendants' Motion to Dismiss is resolved. If the motions are denied, the Court will convene a Rule 16 scheduling conference to set a new discovery schedule.

IT IS SO ORDERED.

  
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W. Daniel Schneider  
United States Magistrate Judge